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## THE FEDERAL WORK RELEASE PROGRAM

LAWRENCE A. CARPENTER\*

The Prisoner Rehabilitation Act of 1965<sup>1</sup> authorized furloughs, a system of work release,<sup>2</sup> and the use of community residential treatment centers for adult federal prisoners.

None of these ideas were really new. Home furloughs are in common use in Europe, and furloughs for various purposes are granted regularly in many states and the armed forces. Work release systems, subject to various restrictions, have been adopted by at least twenty-four states. The residential treatment center is a refinement of the European hostel.

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<sup>1</sup> 18 U.S.C.A. 4082 (1965). The act's provisions pertinent to work release and emergency furlough read as follows:

"(c) The Attorney General may extend the limits of the place of confinement of a prisoner as to whom there is reasonable cause to believe he will honor his trust, by authorizing him, under prescribed conditions, to—

"(1) visit a specifically designated place or places for a period not to exceed thirty days and return to the same or another institution or facility. An extension of limits may be granted only to permit a visit to a dying relative, attendance at the funeral of a relative, the obtaining of medical services not otherwise available, the contacting of prospective employers, or for any other compelling reason consistent with the public interest; or

"(2) work at paid employment or participate in a training program in the community on a voluntary basis while continuing as a prisoner of the institution or facility to which he is committed, provided that—

"(i) representatives of local union central bodies or similar labor union organizations are consulted;

"(ii) such paid employment will not result in the displacement of employed workers, or be applied in skills, crafts, or trades in which there is a surplus of available gainful labor in the locality, or impair existing contracts for services; and

"(iii) the rates of pay and other conditions of employment will not be less than those paid or provided for work of similar nature in the locality in which the work is to be performed.

A prisoner authorized to work at paid employment in the community under this subsection may be required to pay, and the Attorney General is authorized to collect, such costs incident to the prisoner's confinement as the Attorney General deems appropriate and reasonable. Collections shall be deposited in the Treasury of the United States as miscellaneous receipts."

<sup>2</sup> Work release allows an individual to participate in unsupervised employment in the community while residing in the institution during his leisure hours.

The Prisoner Rehabilitation Act was significant in that it related all of these ideas in a single piece of legislation and authorized their adoption for federal prisoners in broad, permissive language. The way in which the new procedures would be applied was left almost entirely to the professional competence of federal corrections personnel.

The new Director of the Bureau of Prisons, Myrl E. Alexander, began using the new authority almost immediately. Regulations were issued for emergency furloughs, and the matter of home and training furloughs was referred to a task force of professionals for careful study and the development of appropriate regulations. Work release programs were promptly put into being; ten institutions were initially designated for pilot programs, and they were soon joined by a number of others. The residential center program was planned and budgeted for future years when the needed facilities could be established.

At this writing, mid-summer 1966, about 1,400 federal prisoners have been given the benefits of the various provisions of the Prisoner Rehabilitation Act. About 200 men have been given unscheduled furloughs for emergency purposes, 700 prisoners are currently in work release, and 500 more have participated. Only about five per cent of the men have failed to return from work or from a furlough at the time stipulated. Up to this time the work releasees from all the federal prisons, save one, have earned a total of about 725,000 dollars. Among the uses of this income were the following items: about 134,000 dollars was sent by the releasees to their dependents; 254,000 dollars was put into savings; 178,000 dollars was spent in the surrounding communities; 73,000 dollars was spent for taxes; and around 12,000 dollars was paid to the federal prisons in reimbursement of expenditures for transportation to and from work and other work-related expenses.

Also at this writing the Bureau of Prisons has set up a small task force to evaluate the application of the Prisoner Rehabilitation Act during the past year, particularly the work release provisions, and to recommend appropriate changes and improvements in operation, criteria, and institutional roles.

Viewed from the warden's or the professional correctionary's eyes, the work release program has a number of advantages. It enables prisoners to contribute to the support of their families, retain a greater measure of self-respect, and become contributing members of society even while serving their sentences. It also gives prisoners trained in institutions a practical means of demonstrating their ability, earning community acceptance, and proving

their readiness for parole. The furloughs help the men to maintain ties with their families, obtain occupational or educational training, search for work in preparing for their release, and attend funerals or visit critically ill members of their families. The residential centers—like the existing “halfway houses” for federal juvenile and youth offenders—will some day provide a means of easing adult prisoners back into the community with the degrees of control and assistance varying, as needed, from one case to another.

Community reaction to the new programs has been more receptive than might once have been the case. Partly this may be attributed to the fact that they were introduced at the same time as a great number of other “Great Society” programs newly authorized by the Congress. In any event the newspapers, radio and TV, and other communication media treated the new work release and furlough systems sympathetically. Representatives of all media were invited into the institutions for an intimate view of the correctional treatment process. Wardens and staff members addressed service clubs and other influential community groups and organizations. Very importantly, the prisoners chosen for work release and emergency furlough were in no small way very effective salesmen. At Texarkana we also formed a citizens’ advisory group, composed of a small cross-section of the community. We reviewed our guidelines for the new programs with them, cleared the cases of individual inmates selected for work release, and obtained some helpful suggestions as to the best way of getting work release started in the local community.

The attitude of prospective employers was crucial to the initial success of work release. Here we were fortunate. The introduction of the program at Texarkana, as elsewhere, corresponded with a general upturn in the economy. With manpower in short supply, employers hired almost anyone who was recommended to them. When employers in Los Angeles, Detroit, and Dallas, learned of the work release programs at the federal institutions near those cities, they pleaded with the wardens for far more prisoner workers than could be made available. Seagoville, near Dallas, could have placed fifty inmates in a single skill, carpentry, at the immediate outset of the work release program, but the institution did not have fifty men trained in this trade. The jobs found for the inmates approved for work release were marked by their variety: dental laboratories, commercial art establishments, factories and the building trades, and service occupations. While most of the jobs did not pay high wages, some of them were unexpectedly good. At Milan, Michigan, a prisoner serving a sentence for bootlegging was put to work at

\$4.49 per hour as a journeyman carpenter. In Los Angeles, a prisoner trained in warehouse work was employed at \$4.00 an hour at a van line warehouse.

One employer who now employs four of our work releasees told us recently that he had been flatly opposed to work release when he had first heard of it. At that time he could get all the workers he wanted from the free community. But with the economic upturn, help became hard to recruit. He finally accepted a work releasee because he could not find men anywhere else. Then he took on more. Now, he said, he would just as soon have prisoner workers. One of the men was being paroled, and he asked for another prisoner as a replacement.

We suspect that this employer's attitude was rather typical. He bought the work release program out of hard-headed business reasons—in this instance, because of the lack of manpower in the community. We would not have it any other way, except that we would prefer that employers hire work releasees primarily because they represent a source of manpower with high training and skills.

The meaning of the new programs to the prisoners themselves is extremely difficult to put into words that are not maudlin. But anyone who has talked to a prisoner on work release can get some idea of the profound impact it has on his thinking and attitudes. By coincidence, on the morning we began writing this article a prisoner on work release departed from our institution on parole, and on his way out handed us a note. It read:

I feel that the Work Release program is now a growing and going organization as part of the Federal Rehabilitation Program—It never ceases to amaze me to be able to walk up to that steel gate, walk outside, put a suit on & go out & do an honest days work.

I personally find that the Publics acceptance of this Program is overwhelming—many, many times my co-workers have invited me to go fishing, go to their home for supper & meet their families—I felt mighty proud when I was asked for technical advice from my co-workers for it showed I was looked up to, not down on—to them I was a Mr. not an inmate.

Completely trusted as I was I still felt humble for I never forgot where I slept at night.

Work release has been a means of supporting my family, Support which made the difference of a new pair of shoes or make the old ones last awhile longer.

It has given me an opportunity to prove to the government & myself that I could 'make' it on Parole—I was trusted in keeping Books, which incidentally is what I'm incarcerated for—Embezzlement from a set of Books, I handled money, drove & participated in Business transactions.

All in all I'd like to say thanks to all who were so kind as to trust me enough to put me out on this program & say it meant the world to me & my family.

It happened that way, and he meant what he wrote. When he left we felt a great deal surer than we do with so many of the men who leave Texarkana, that he would not be back.

Work release is not, however, lacking in problems for the man on the program. While one of the purposes of the program is to help him adjust to the free community by the time of his release on parole, the actual fact is that a man on work release has to make a rather difficult adjustment twice each day. In the morning he has to make a quick adjustment from prison life to freedom, and in the evening he has to make the reverse adjustment. For several hours each day he is a citizen just like anyone else. The rest of the time he must live in a highly regimented, controlled and impersonal environment. Work release is therefore an exercise in adjustment. The prisoner has to adjust to free society every day instead of just once.

Work release also tests and retests a prisoner's sense of principle. There are the many temptations in the community—the opportunity of fleeing, stealing, drinking, taking drugs, and so on. There are the pressures brought to bear on him from other inmates who cannot get out on work release. He is asked to take messages in or out, to bring in contraband, and to run a variety of illicit errands in the outside world. As the prisoners' free agent in the community, he can do a lot of things for them, and get paid rather well for it.

All of these temptations and pressures are part of the risk in the work release program. But they are also part of the value, for they give the prisoner on work release the opportunity to develop in a very practical way the habit of resisting the kind of temptations and pressures that got him into trouble in the past.

Work release for federal prisoners was made possible just in time to help the institutions mesh their programs with other community programs established under "Great Society" legislation. The act provides the authority to extend the limits of a prisoner's confinement anywhere that he can obtain training helpful to his rehabilitation. A number of institutions, including Texarkana and Seagoville, have this year placed inmates in trade training programs in community facilities established and operated with funds authorized by the Manpower Development and Training Act. One of the advantages of this act, particularly to a federal prisoner, is an allowance for the support of his family. The Manpower Develop-

ment and Training Program, now starting to admit federal prisoners, has tremendous potential for the entire corrections field.

The federally-financed, state-administered programs authorized by the Economic Opportunity Act also have provisions that are helpful to the corrections effort. Inmates can attend adult basic education courses operated by the local school systems either in institution or in community facilities. Also, under the federally-financed, state-administered programs of the Vocational Rehabilitation Act, funds can be allotted to the training of individual inmates either inside or outside the institution. The Vocational Rehabilitation Act in its potential application can open up the training resources of the entire community to the correction of offenders—colleges, business schools, commercial schools of all kinds.

The Civil Service Commission contributed its share to the implementation of the Prisoner Rehabilitation Act by issuing new regulations making it possible for federal agencies to employ work releasees. One of the first to be hired was a young man who had been living in Washington, D. C., at the time of his offense, and after his conviction had been transferred to one of the open camps of the federal prison system. He was assigned to a clerical post in the immediate office of the Director of the Bureau of Prisons. Federal agencies in the vicinity of a number of federal institutions have hired other prisoners.

The new legislation has helped to bring about a more tolerant social climate for the corrections process. For several decades of this century the emphasis was on the humanization of the prison, as illustrated by the history of the federal prison system itself from the time it was created by the Congress in 1930. In more recent years the trend has been toward increasing the involvement of the community in the corrections process. Work release, furloughs and community centers of various kinds have been around a long time, but they are only now coming into their own under more favorable social conditions.

Texarkana had a recent case which illustrates the formal and informal resources that can be brought to bear on the rehabilitation of the individual offender in a way that was not possible even two or three years ago. The man was a Mexican-American serving eight years for a narcotics violation. He was an extremely ambitious person who had acquired an unsavory past in a misdirected effort to improve the economic level of his family. Over the years at Leavenworth that ambition remained high, but it changed in character. The man still wanted a better life for his family than a Mexican-American could expect in South Texas, but he also wanted

a respectable life for them. He signed up for college courses and earned an Associate of Arts degree. About a year before his sentence was up he was transferred to Texarkana, in a routine move to get him closer to home as the time for his release neared.

But after we had observed him a while at Texarkana and became convinced of his sincerity, we hesitated to send him back to his home community where all the old associations were waiting for him. We learned that his father had resettled in Detroit, Michigan, and was ready to assist his son and family in getting situated in the same area. We developed and our central office approved a plan for the prisoner's transfer to the Milan, Michigan, institution. He had seen his wife only once in the five years he had been serving his sentence, and we gave him a two-day home furlough before his transfer. The expenses of his furlough were paid by the Junior Chamber of Commerce of Texarkana. He then travelled by himself on a Greyhound bus to the Milan institution and soon after he arrived there, enrolled in the University of Michigan at Ann Arbor to finish his education. He travels from the institution to college every day, and when his sentence is served his family will join him in Detroit.

So far the new procedures seem to hold much promise for the correction of the offender, but they have already raised a number of issues that are being studied in the development of long-range policy. One of these has to do with criteria for work release. Under the initial guidelines a prisoner has to be considered trustworthy, have about six months left to serve, and be relatively free of a history of violence and notoriety. But what determines whether a man is trustworthy? Is a parole violator automatically to be barred? Should anyone with a fairly recent record of misconduct in the institution be barred, and if so, how recent and how serious must the misconduct be to disqualify him? Is a man with a record of prior convictions to be considered ineligible, and if so, how many prior convictions establish disqualification?

Can any specific criteria be developed, or must the decision of institutional officials depend on the entire constellation of factors present in every case and on the intelligence, experience and training of officials? The latter is not a very scientific guideline, but perhaps it is the best we can do with the knowledge currently available to us.

At a regional corrections institute at the University of Georgia attended by a group of wardens from the Southern states in July of this year, the conferees were in almost unanimous agreement that the criteria for work release and home furloughs could not be



very specific. Each case would have to be decided on its own merits.

In the federal system the majority of the men who have absconded from work release or failed to return from home furloughs have had histories of alcoholism or heavy drinking. With this experience in mind the institutional wardens are extending the new privileges to very few men with this type of history. But are there not differences between alcoholics? Some are dangerous when they have been drinking, and some are harmless.

The criteria eventually to be established may depend very largely on what conclusions are reached as to the degree of risk that work release, furlough and guidance center programs warrant. Obviously there is some risk involved in almost every case; otherwise these programs would not be needed in the rehabilitation of the individual offender. But how far can a correctional administrator go in risking the community? If he goes too far, he might lose his job. If he fails to go far enough, his program will not amount to much as a rehabilitative tool.

Is the "six months left to serve" requirement too rigid for a practicable work release program? The wardens at the Southern Regional Corrections Institute voted in favor of more flexibility. They could see no reason why a man with a year or two or more could not be put on work release, if he was otherwise ready for this type of program.

The answer in the long run may lie in the adoption of an entirely indeterminate sentencing system in the federal jurisdiction. Both the Federal Juvenile Delinquency Act and the Federal Youth Corrections Act permit complete flexibility and the release on parole of the individual at any time during the course of his commitment. But for adult offenders, most federal judges (in 8,253 cases last year) use the old "regular" procedure under which the prisoner does not become eligible for parole until he has served one-third of his sentence. Gradually more of the judges are using the newer indeterminate procedure, authorized by the Congress in 1958, which leaves it entirely to the parole board to set the parole eligibility date (some 1,700 cases last year). Only a very few judges choose to use the procedure which allows them to fix the parole eligibility date themselves (60 cases last year).

The result of course is inconsistency. The prisoners with the indeterminate sentences can be placed on work release and paroled at any time. The prisoners with the "regular" sentences must wait until they are nearing their parole eligibility dates. There are also other inequities in the procedures imposed by differences in the type of sentence.

Now that we have the Prisoner Rehabilitation Act to provide invaluable testing procedures, the adoption of an entirely indeterminate sentencing system would help to provide needed flexibility in program planning and parole consideration. Institutional officials would then be able to put adult offenders on work release when the offenders are considered ready, not when they have served a given amount of their sentences. Similarly, the parole board would be able to release them from custody when a sufficient period on work release demonstrated that this action would be timely.

Should prisoners on work release be required to pay the costs of their confinement? A provision of the legislation authorizes the Attorney General to make such collections when he deems it appropriate and reasonable, and a regulation requiring each work releasee to pay two dollars a day has been put into effect. Exemptions from this requirement are made only in those individual cases where excessive hardship would be imposed. The report of the Senate Judiciary Committee on the legislation commented concerning this provision: "The committee understands that this authority would be used conservatively and that such collections, when made, would not create inequities due to differences in confinement costs from one institution or facility to another, and the wage rates and economic resources of individual prisoners."<sup>3</sup>

The real issue in the committee's desire that this authority be used "conservatively" is the moral one of whether a convicted offender should be forced to pay the costs of his own imprisonment. Given a choice, the prisoner would undoubtedly prefer to expend his personal earnings on somewhat different living arrangements than those provided by a prison.

What will be the impact of work release on institutional training programs? Ideally, inmates should be placed in employment for which they have been trained in the institution. But are institutional programs realistic in this respect? In our work release program at Texarkana we found that we could obtain better jobs for men in unskilled occupations than in such trades as laundry operation and cooking for which they had been trained in the institution. As a result we did away with our laundry and kitchen vocational training courses, and now assign men for training in skills for which they can hope to obtain better wages when they re-enter the community. This kind of re-evaluation is currently going on throughout the federal prison system.

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<sup>3</sup> S. Rep. No. 613, 89th Cong., 1st Sess. 5 (1965).

Under the Vocational Rehabilitation Act custodially suitable prisoners may be placed in appropriate training situations in private enterprise. When the training is completed the men may then be shifted to the work release program under the Prisoner Rehabilitation Act. Some businessmen have offered to provide training and employment within the institution for men considered unsuitable, at least initially, for community programs. Their offers have been accepted in some instances as far as training is concerned. The IBM corporation, for example, is preparing men at the Atlanta penitentiary for data processing work. But so far no private organization has been permitted to establish employment situations within federal institutions. The day may come, but it will have to be under circumstances which will safely avoid the abuses of the old lease system.

What will be the effect of changing economic conditions on work release? The new program's initial success with employers was unquestionably due in large part to boom times and labor shortages. The Texarkana area, for example, is economically dependent on an army depot and ammunition plant; it experienced heavy unemployment rates and was listed as a distressed area for many years between wars. When the Viet-Nam affair brought about heavy hiring at the two plants, the economy of the city and the area improved dramatically. Shortly after the work release program started, Texarkana was taken off the distressed area list and joined the communities which had developed labor shortages.

When the Viet-Nam war ends and the plants at Texarkana again reduce operations, the unemployment rate in the area will rise significantly. Under the very terms of the Prisoner Rehabilitation Act, work release cannot be used in communities with labor surpluses, and under such conditions it would also be impracticable from a public relations standpoint. Hopefully national policy will insure that periods of recession and undue unemployment will be brief. But the problem of a temporary set-back in work release programs will undoubtedly have to be faced from time to time at Texarkana and several other federal institutions.

Or should a prisoner be considered as entitled to private employment, and permitted to compete for it, as a free citizen? Whose need is greatest? Where do the community's vital interests lie? In the new era of corrections it would seem anachronistic to continue to regard as a second-class citizen or less a person who has been convicted of a crime but has used his prison time to earn, and prove that he is ready for, another chance in the community.

There is also the issue of farming out work release programs.

Many correctional institutions, perhaps most of them, are located fairly distant from the home communities of the prisoners. Ideally a work release program should put the man on a job in the community where he will actually live when his imprisonment ends. In California the state department of corrections solved the problem by contracting with the counties to operate work release programs in their own jails for prisoners transferred from San Quentin and other state institutions. The federal government also has contracts with county jails throughout the country for the confinement of prisoners awaiting trial or transportation to a federal institution; conceivably such contracts could embrace work release programs. But the Prisoner Rehabilitation Act also authorized the use of community residential centers for adult prisoners, and the program backbone of such centers is work release. The centers would of course be superior to the jails for community programs of this kind. Yet just how soon funds can be obtained to establish a sufficient number of residential centers is anyone's guess. Should the jails be used in the meantime? They are not an ideal means of getting men back into the community, but in conjunction with work release and community programs, they may present a more hopeful situation than a round-the-clock existence in a penal institution. The eventual solution may lie in some combination of facilities, depending on local and individual circumstances.

The Prisoner Rehabilitation Act and its implications are producing great changes in correctional work. All through the federal prison system educational and vocational training programs are being re-studied and geared to meet actual community employment opportunities and the actual capacities of prisoners. The basic missions of institutions are being re-evaluated and in some instances changed. The new programs are also bringing about significant alterations in personnel recruitment and development programs, organizational patterns, and budgetary planning.

In a recent speech Chief Justice Earl Warren called for "daring imagination in the exploration of cures for crime and other social blights." The Prisoner Rehabilitation Act provides the federal system with about as much statutory authority as it needs for the exercise of this "daring imagination." The walls of the old-line prison have finally been broken down.

Nevertheless, the new procedures are not short-cut formulas for changing human behavior. The correction of the individual offender will always be a difficult process, and perhaps we should not have it any other way. If by chance someone did discover a sure and quick method of changing human behavior, it would represent more of a threat to mankind than a boon.

The very difficulty of modifying human behavior dictates that we commit to the corrections process more resources than we have been willing to commit in the past. The emerging role of the correctionary is to muster the potentially vast resources of society. If research has shown anything by this time, it has shown that the correctional worker is not equipped to do the job alone. He needs all the help he can get, and spurred by significant new federal legislation, that help seems finally to be arriving.